

DOCKET NO. SAMS01-00185
Customer No. 23990

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : SUDHINDRA P. HERLE, ET AL.
U.S. Serial No. : 10/035,800
Filed : December 28, 2001
For : SYSTEM AND METHOD FOR ENSURING INTEGRITY OF
DATA-DRIVEN USER INTERFACE OF A WIRELESS MOBILE
STATION
Group No. : 2173
Examiner : (Not Yet Assigned)

Assistant Commissioner for Patents, USPTO
Attn: Office of Petitions
Crystal Plaza Four, Suite CP4-3C23
2201 South Clark Place
Arlington, VA 22202

Sir:

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

The undersigned hereby certifies that the following documents:

1. Postcard receipt;
2. Check in the amount of \$110.00 for Extension of Time (1 mo.) filing fee;
3. Renewed Petition Under 37 C.F.R. §1.47(a);
4. Petition for Extension of Time (1 mo.) (in duplicate);
5. Declaration in Support of Petition Under 37 C.F.R. 1.47(a) (Joann Hicks);
6. Declaration in Support of Petition Under 37 C.F.R. 1.47(a) (John T. Mockler).

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to: Assistant Commissioner for Patents, USPTO, Attn. Office of Petitions, Crystal Plaza Four, Suite CP4-3C23, 2201 South Clark Place, Arlington, VA 22202, on October 17, 2002.

Date: Oct 17, 2002

Kathy Hamilton
Mailer

Date: 17 Oct. 2002

John T. Mockler
John T. Mockler
Reg. No. 39,775

P.O. Drawer 800889
Dallas, Texas 75380
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Mailed: October 17, 2002
In re. Application of: SUDHINDRA P. HERLE, ET AL.
Serial No.: 10/035,800
Filed: December 28, 2001
Title: SYSTEM AND METHOD FOR ENSURING INTEGRITY OF
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STATION
Docket No.: SAMS01-00185

The following documents were received in the U.S. Patent and Trademark Office on the date stamped below:

1. Check in the amount of \$110.00 for Extension of Time (1 mo.) filing fee;
2. Certificate of Mailing by First Class Mail;
3. Renewed Petition Under 37 C.F.R. §1.47(a);
4. Petition for Extension of Time (1 mo.) (in duplicate);
5. Declaration in Support of Petition Under 37 C.F.R. 1.47(a) (Joann Hicks);
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Assistant Commissioner for Patents, USPTO
Attn: Office of Petitions
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2201 South Clark Place
Arlington, VA 22202

Sirs:

RENEWED PETITION UNDER 37 C.F.R. §1.47(a)

This Renewed Petition Under 37 C.F.R. §1.47(a) responds to a Decision Dismissing Petition dated August 6, 2002 in the above-referenced patent application and has a shortened statutory period of response set to expire on October 6, 2002. Applicant is submitting herewith a Request for a One Month Extension of Time to respond to the Decision Dismissing Petition. Grant of the renewed Petition is accordingly requested.

This Renewed Petition requests reconsideration of the August 6, 2002 Decision Dismissing Petition, which dismissed the Petition Under 37 C.F.R. §1.47(a) filed by Applicant on April 9, 2002.

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The April 9, 2002 Petition requested permission for joint inventor, Sudhindra Herle, to make application for patent in the above-identified patent application on behalf of himself and the non-signing joint inventor, Mark Mitchell. The April 9, 2002 Petition was dismissed due to a technical defect.

Enclosed herewith is a Declaration in Support of the Petition Under 37 C.F.R. §1.47(a) signed by Mr. John Mockler, an authorized agent of the Assignee. Also, enclosed herewith is a Declaration in Support of the Petition Under 37 C.F.R. §1.47(a) signed by Ms. Joann Hicks, a legal assistant of Samsung Telecommunications America, Inc., and an agent of the Assignee. The enclosed Declarations set forth facts showing that this action is necessary to preserve the rights of the Assignee, Samsung Electronics Co., Ltd., and to prevent irreparable damage thereto.

Check in the amount of \$110.00 is enclosed for a month one extension of time. The Commissioner is hereby authorized to charge any additional fee(s) that may be required, or credit any overpayment, to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 17 Oct. 2002



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Sirs:

DECLARATION IN SUPPORT OF PETITION UNDER 37 C.F.R. 1.47(a)

I, Joann Hicks, Affiant herein, hereby state and declare as follows:

- 1) I am a legal assistant at Samsung Telecommunications America, Inc., a subsidiary of Samsung Electronics Co., Ltd.
- 2) Upon information and belief, Mr. Mark Mitchell jointly invented the invention of the subject patent application while Mr. Mitchell was employed as a Consultant by Samsung Telecommunications America, Inc. (hereafter, simple "STA").

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3) On November 26, 2001, I received a hand-delivered package from John Mockler, attorney and agent for STA. The package contained a cover letter dated November 26, 2001 and a first draft copy of the above-referenced patent application. The first draft copy included a complete specification, including claims and drawings, along with Declaration and Assignment documents for the joint inventors' signatures.

4) I hand-delivered the entire patent application received on November 26, 2001 to joint inventors Sudhindra Herle and Mark Mitchell in their offices at STA in Richardson, Texas.

5) Shortly thereafter, I received comments and corrections for the patent application from Mr. Herle. I forwarded Mr. Herle's comments and corrections to Mr. Mockler.

6) At about the same time, Mr. Mitchell informed me that he would not sign the Declaration and Assignment documents. Mr. Mitchell stated that his refusal to sign the Declaration and Power of Attorney was based on Mr. Mitchell's disagreement with STA's policy of giving patent bonuses to full-time employees of STA, but not to Consultants, such as Mr. Mitchell.

7) I informed Mr. Mockler of Mr. Mitchell's refusal to sign the Assignment and Declaration documents.

8) During subsequent conversations, Mr. Mitchell again informed me that he would continue to refuse to sign the Assignment and Declaration documents. I again informed Mr. Mockler of Mr. Mitchell's refusal to sign the Assignment and Declaration documents.

9) On December 27, 2001, I received another hand-delivered package from Mr. Mockler. The package contained a cover letter dated December 27, 2001 and a final draft copy of

the above-referenced patent application. The final draft copy included a complete specification, including claims and drawings, along with Declaration and Assignment documents for the joint inventors' signatures.

10) I hand-delivered the entire patent application received on December 27, 2001 to joint inventors Sudhindra Herle and Mark Mitchell in their offices at STA in Richardson, Texas.

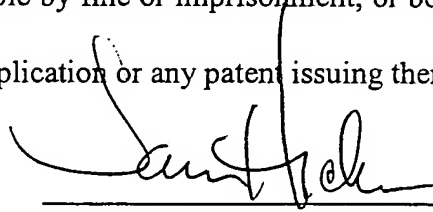
11) At that time, Mr. Herle approved the final draft of the patent application without further corrections. I relayed Mr. Herle's approval to Mr. Mockler.

12) At that time, Mr. Mitchell again informed me that he would not sign the Declaration and Assignment documents. I again informed Mr. Mockler of Mr. Mitchell's refusal to sign the Assignment and Declaration documents.

13) I instructed Mr. Mockler to file the subject patent application with the United States Patent and Trademark Office without an executed Declaration or Assignment document.

14) I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are also believed to be true. I am aware that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. ' 1001) and may jeopardize the validity of the application or any patent issuing thereon.

Date: 10/10/02


Joann Hicks

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Sirs:

DECLARATION IN SUPPORT OF PETITION UNDER 37 C.F.R. 1.47(a)

I, John Mockler, Affiant herein, hereby state and declare as follows:

- 1) I am a registered patent attorney, Registration No. 39,775. I prepared the subject patent application at the request of Samsung Telecommunications America, Inc., a subsidiary of the Assignee, Samsung Electronics Co. Ltd.
- 2) I have been granted a full Power of Attorney by the signing joint inventor, Mr. Sudhindra Herle.
- 3) Upon information and belief, the invention disclosed in the specification and recited

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in the claims of the subject patent application was jointly invented by Mr. Herle and the non-signing joint inventor, Mr. Mark Mitchell.

4) Upon information and belief, non-signing joint inventor Mark Mitchell jointly invented the invention of the subject patent application while employed as a Consultant by Samsung Telecommunications America (hereafter, simply "STA").

5) Upon information and belief, Mr. Mitchell executed a Confidentiality Agreement dated April 11, 2001 in which Mr. Mitchell agreed to assign all rights to tangible and intangible property developed by Mr. Mitchell to STA and its assigns, including Samsung Electronics Co., Ltd. A copy of the Confidentiality Agreement was submitted with the Petition Under 37 C.F.R. §1.47(a) filed on April 9, 2002.

6) Enclosed with a letter dated November 26, 2001, I provided joint inventors Herle and Mitchell with a first draft copy of the entire patent application, namely a complete specification, including claims and drawings, along with Declaration and Assignment documents for the joint inventors' signatures. Upon information and belief, the entire application was hand-delivered to Mr. Herle and Mr. Mitchell at their place of work at STA in Richardson, Texas.

7) Enclosed with a letter dated December 27, 2001, I provided Mr. Herle and Mr. Mitchell with a final draft copy of the entire patent application, namely a complete specification, including claims and drawings, along with Declaration and Assignment documents for the joint inventors' signatures. Upon information and belief, the entire application was hand-delivered to Mr. Herle and Mr. Mitchell at their place of work at STA in Richardson, Texas.

8) At several points between November 27, 2001 and December 27, 2001, Ms. Joann Hicks of STA informed me that, although Mr. Herle was willing to sign the Declaration and Assignment documents, Mr. Mitchell refused to sign the Declaration and Assignment documents. Upon information and belief, Mr. Mitchell has refused to sign the Declaration and Power of Attorney in the present application because Mr. Mitchell disagrees with STA's policy of giving patent bonuses to full-time employees of STA but not to Consultants, such as Mr. Mitchell. Ms. Hick's Declaration is enclosed herewith.

9) I filed the subject patent application with the United States Patent and Trademark Office on December 28, 2001. The application was filed without an executed Declaration or Assignment document.

10) By Notice dated January 28, 2002, I received confirmation of accordation by the United States Patent and Trademark Office of the filing date and application serial number of the subject patent application. The Notice further required submission of the inventors' Declaration.

11) An initial Petition Under 37 C.F.R. §1.47(a) was filed on April 9, 2002. That petition was refused due to technical defects.

12) Enclosed with a letter dated September 12, 2002, I again provided joint inventor Mitchell with a final draft copy of the entire patent application, namely a complete specification, including claims and drawings, along with Declaration and Assignment documents for Mr. Mitchell's signature. The entire application was sent to Mr. Mitchell by certified mail, return receipt requested, at his last known address at 8623 Glencrest Lane, Dallas, Texas 75209. The signed return

receipt indicates that the entire application was received and signed for by Bertha Mitchell on September 14, 2002.

13) I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are also believed to be true. I am aware that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. §1001) and may jeopardize the validity of the application or any patent issuing thereon.

Date:

17 Oct. 2002



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Registration No. 39,775

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